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Foreign Policy Consultations in a Globalizing World

The Case of Canada, the WTO, and the Shenanigans in Seattle

Denis Stairs

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Summary

Drawing on interviews with various players involved in the 1999 meeting of the WTO in Seattle and its preparatory phases, this paper examines recent attempts on the part of the government of Canada to revise its foreign policy consultation process. Consultations with societal actors pose several challenges, most importantly the balancing of the "traditional politics of states" that has long characterized the international system with the increasing prominence of new actors in the system, including multinational corporations and pressure groups that transcend national borders.

Canada undertook a particular effort to consult with NGOs and other interests before and during the Seattle meetings, motivated in part by the surprisingly strong reaction of such groups to the proposed Multilateral Agreement on Investment in 1998. A Report of the House of Commons Standing Committee on Foreign Affairs and International Trade the year after emphasized the "importance of hearing from a broad spectrum of Canadian society" in future deliberations. Despite an unprecedented level of consultation, however, this effort immediately confronted certain obstacles: government policy toward the Seattle summit, already years in the planning across several ministries, imposed limits on what could be altered, and consultations were often managed by officials with narrowly circumscribed mandates. Difficulties were also encountered when some of the groups that were involved in the consultations engaged in persistent and seemingly unqualified critiques of established government policy.

The Seattle process raised further concerns about the inconsistency between consultations with selected groups and the articulation of foreign policy by a democratically elected government. Often consultative groups seemed to be engaged in an attempt to politicize a "previously professional channel" in order to meet goals unobtainable through the electoral process. The Seattle experience raises serious questions about the appropriate means of allowing popular access to foreign policy decision-making. To improve the process and enhance its democratic quality, the paper makes the following recommendations:

- Unless the Minister is present, the public service should probably avoid staging consultations in a way that encourages participants to think that the occasion is an appropriate one for mounting fundamental challenges to the basic premises of government policy. Those who have been consulted will feel that they have been subjected to tokenism, instead of being taken seriously, and those who are doing the consulting will feel unable to engage in the debate in the way that their opposite numbers will think appropriate.

- To the extent that consultations *are* encouraged, the nature of the exercise, and of its limitations, should be made starkly clear at the outset. It should be emphasized that being invited to a consultation does *not* impart a guarantee of influence, much less a guarantee of victory in the policy war.

- All players, NGOs included, should keep in mind that the proper targets for political representations on issues of fundamental principle are not the public servants, but the politicians, and the place for them is in the public domain or in the working apparatus of political parties, and not "behind the scenes." Lobbying the public service is not a substitute for losing the thrust of one's policy preferences at the polls.

- Given these realities, the importance of the parliamentary process and the potential value of well-run hearings of parliamentary committees should not be underestimated. A democratic politics requires the careful nurturing of its political institutions. It cannot rely on the happenstance distribution of interest group initiatives at the bureaucratic level to accomplish its purpose.

Résumé

À partir d'entretiens réalisés avec diverses personnes ayant collaboré aux préparatifs et au déroulement de la rencontre de l'OMC tenue à Seattle en 1999, ce document examine les dernières tentatives du gouvernement canadien visant à revoir son processus de consultation en matière de politique étrangère. La consultation d'acteurs sociaux soulève en effet plusieurs défis, dont le plus important consiste à trouver un juste équilibre entre la « politique traditionnelle des États » ayant longtemps caractérisé le système international et l'émergence au sein de ce système d'acteurs de plus en plus puissants, notamment les multinationales et les groupes de pression dont l'influence s'étend au-delà des frontières nationales.

Le Canada a consenti des efforts particuliers à la consultation des ONG et groupes d'intérêts avant et pendant la rencontre de Seattle, une démarche en partie motivée par la réaction étonnamment vive de ces groupes à la proposition d'Accord multilatéral sur l'investissement de 1998. Dès l'année suivante, un rapport du Comité permanent de la Chambre des communes sur les affaires étrangères et le commerce international soulignait l'importance d'obtenir l'avis d'un vaste échantillon de la société canadienne en vue des délibérations à venir. Mais en dépit d'un effort de consultation sans précédent, cette démarche s'est vite heurtée à plusieurs obstacles. En effet, la politique gouvernementale définie en prévision de Seattle, planifiée de longue date entre plusieurs ministères, imposait des limites aux modifications qu'il serait possible d'y apporter, et le mandat des personnes chargées de mener les consultations était souvent étroitement circonscrit. D'autres difficultés ont encore surgi lorsque certains groupes participants ont entrepris de critiquer de façon répétée, et sans apparemment lui trouver aucune qualité, la politique du gouvernement.

Le processus de Seattle a également soulevé des interrogations sur le rapport entre la consultation de groupes précis et l'articulation de la politique étrangère de gouvernements démocratiquement élus. Ainsi les groupes consultés ont-ils souvent donné l'impression de politiser une « filière professionnelle » afin de réaliser des objectifs inatteignables par la voie électorale. Bref, l'expérience de Seattle soulève d'importantes questions quant aux meilleurs moyens d'associer la population aux décisions en matière de politique étrangère. Pour améliorer ce processus et en renforcer le caractère démocratique, ce document fait les recommandations suivantes :

- Sauf en présence du ministre, la fonction publique devrait éviter de tenir des consultations de telle façon que les participants puissent y voir une occasion de mettre en cause les fondements mêmes de la politique gou-

vernementale. Autrement, les personnes consultées jugeront qu'elles l'ont été simplement pour la forme sans jamais être prises au sérieux, tandis que les responsables du processus se sentiront impuissants à mener les échanges selon les attentes de leurs interlocuteurs.

- Dans la mesure où l'on privilégie *vraiment* les consultations, on établira dès le départ et sans équivoque la nature et les limites du processus. On précisera notamment que le fait d'y participer n'offre *aucune* garantie d'en influencer le dénouement, et moins encore de faire triompher son point de vue.

- Tous les participants, ONG comprises, doivent comprendre que la juste cible de leurs représentations sur toute question de principe fondamental doit être les politiciens et non les fonctionnaires, et que ces représentations doivent se faire sur la place publique ou dans l'appareil des partis, et non en coulisses. Les pressions exercées sur la fonction publique ne peuvent compenser une perte d'influence consécutive à l'échec électoral de son point de vue politique.

- On se gardera par conséquent de sous-estimer l'importance de la procédure parlementaire et la valeur de fructueux débats au sein des comités parlementaires. Une politique démocratique exige que soient entretenues adéquatement les institutions démocratiques. La réalisation de cet objectif ne doit en aucun cas être laissée aux initiatives dispersées de groupes d'intérêts prenant la fonction publique pour cible.

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Peace is the natural effect of trade. Two nations who traffic with each other become reciprocally dependent; for if one has an interest in buying, the other has an interest in selling; and thus their union is founded on their mutual necessities.

But if the spirit of commerce unites nations, it does not in the same manner unite individuals. We see that in countries where the people move only by the spirit of commerce, they make a traffic of all the humane, all the moral virtues; the most trifling things, those which humanity would demand, are there done, or there given, only for money.

The spirit of trade produces in the mind of man a certain sense of exact justice, opposite, on the one hand, to robbery, and on the other to those moral virtues which forbid our always adhering rigidly to the rules of private interest, and suffer us to neglect this for the advantage of others.

Baron de Montesquieu

Introduction

The study that follows was originally stimulated by growing evidence that the phenomena we loosely associate with "globalization" are beginning to pose problems for contemporary institutions of representative and responsible government, as well as for some of the underlying premises of the liberal theory of democracy upon which they are founded. This is because the globalization process (on some accounts, at least) has inspired a new kind of transnational politics that is indifferent in important respects to the borders of individual nation-states, and hence to the principle of sovereignty upon which the traditional politics of the state system as a whole has been based.

In the simplest of terms, the practice of democratic accountability and the principle of government by popular consent are both ultimately rooted in the notion of an implied contract between the ruling authorities on the one hand, and the general citizenry on the other. Those who govern are rewarded for their labours by the perquisites of rule (fame, power, and creative opportunity, for example, if not always personal wealth). But their entitlement to such rewards is conditional. It lasts, that is, only for so long as they exercise their authority in a way that continues to serve what a reasonable proportion of the citizenry is pre-

pared to accept as a tolerable approximation of the aggregate public interest — an interest of which the citizens' own particular interests are a part. If the system works properly, it motivates all those who occupy public office to use their authority, as best they can in the circumstances they face, in ways of which most of the citizens will approve, at least most of the time.

Very clearly, however, this system is based on the notion that the particular segment of humanity that any liberal democratic government is expected to serve is its own citizenry. The contractual obligation of the government of Canada is to serve, first and foremost, the people of Canada, and the purpose of the Canadian constitution is ultimately to establish institutions and procedures that will ensure that this is exactly what it does (or at least tries to do). When Ottawa acts abroad, therefore, it acts first as the champion in the international community of the interests of Canadians. At most, it acts only secondarily for the citizens of any other power.

From the theoretical point of view, it follows from all this that the traditional politics of the international community is a politics of *states* — a politics that only governments, and not individuals (or even groups of individuals), are positioned to pursue. International law, moreover, is a "law of nations,"[1] and its "subjects" are the sovereign states themselves (along with some of the intergovernmental institutions they have managed to create). Certainly they are not individuals, economic enterprises, voluntary public service organizations, or other private entities.

As we all know, the practical consequences of this arrangement have sometimes been unpleasant. The world of intergovernmental politics is a world without a Leviathan, and *in extremis* this makes much of its behaviour a "free-for-all." Too often the punch-ups that result have left millions dead. A lot of well-intentioned statecraft has therefore been directed to the construction of what might be called "Leviathan-substitutes" — alternative mechanisms, that is, for the promotion and maintenance of "international peace and security."[2] While some of these mechanisms have become very elaborate, however, none of them presents a significant problem of principle for traditional democratic theory and practice. This is because the actions in every category are taken by sovereign states in the pursuit of what they conceive to be their interests, and in the case of the states whose internal politics are governed by liberal democratic processes, these interests are defined in ways that are democratically legitimized.

But what happens if major private players, multinational corporations prominently but not uniquely among them, find ways of evading the regulatory and other powers of the sovereign states by living somehow in the interstices of the state system? More specifically, what happens when they come to discover

that they can use their own mobility — their willingness to move their operations from one jurisdiction to another whenever convenience and profit together dictate — to play each sovereign state off against its competitors in ways that incapacitate them all? And what happens if the emergence of a global political activism in response to this phenomenon, and in reaction to other public policy problems that have similarly global dimensions, results in the claim that the democratic accountability of governments is incomplete if it is interpreted as applying only to the citizenry at home, and not to humanity at large? There is little in democratic theory, and certainly nothing in our traditions of constitutionalism to date, that can easily accommodate such developments.[1]

Yet there is evidence that circumstances precisely like these are now becoming an increasingly intrusive factor in the conduct of international politics and in the formation of the foreign policies of many of the sovereign states, Canada not least among them. Governments have responded to all this with varying degrees of attention and enthusiasm, and it is probably fair to say that Ottawa has been more assiduous in this respect than most. Its attempt to deal with the realities involved reached a new height, however, in the context of its preparations for the 1999 ministerial meeting of the World Trade Organization (WTO) in Seattle — an encounter that ultimately demonstrated in particularly vivid and colourful style the kinds of political forces that seem now to be in play.

Against this general background, the immediate purpose of the present discussion is to examine the Canadian consultative experience both before and during the Seattle conference with a view to determining how the globalization, not just of economics but of politics, too, is affecting the way Ottawa is doing things, and what some of its implications for Canada's democratic practice may actually be. It follows that the emphasis of the discussion will be on "process" rather than substance. With a view to setting Canada's approach to the WTO exercise in its historical context, the analysis will begin with a brief review of the consultative practices of Canadian governments in relation to foreign affairs more generally in recent decades. The consultations that were initiated in reference specifically to the WTO ministerial meeting of November-December 1999 will then be addressed in relation to two distinct phases — first, the long preparatory period that led up to the Seattle meeting, and second, the much shorter interval occupied by the conference itself. The reactions of at least a sample of the participants who were involved will then be considered, along with some of the problems, including the disappointments, that the consultative process appeared to generate. The government's continuing commitment to open consultation in the post-Seattle period will also be noted, together with its apparent interest in encouraging other governments — and indeed the WTO itself — to follow the Canadian example.

The discussion will conclude with one or two observations of a more practical sort, and the reminder that in all this Ottawa is still navigating in thinly charted waters. Unmarked and undiscovered shoals may still lurk in the deep.

Public Consultations and Canadian Foreign Policy: Past Precedents and Earlier Trends

The political culture of the Canadian foreign service, like so much else in Canadian government, originated in the British tradition. Among its ingredients was a certain suspicion of popular involvement in foreign affairs. In the United Kingdom, and even more in continental Europe, this was partly the by-product of elitist conceptions of government in general. But it lasted much longer in the conduct of foreign affairs than it did in other areas of public policy endeavour, which suggests that additional factors were also at work. One of them had to do with the assumption that the interests of the state in the world at large were both bipartisan and well understood. Having to do with such *sine qua non* objectives as safeguarding national security against external menace, or promoting the commercial interests abroad of the national economy as a whole, they did not seem in simpler times — and certainly before World War I — to have partisan political significance. From the domestic point of view, therefore, they were "above politics."[4] The pursuit of foreign policy objectives by diplomatic means entailed, moreover, the negotiation of agreements with the representatives of sovereign foreign powers in a way that inevitably demanded that there be "give" as well as "take." The "taking" would always be easy enough, but the "giving" would be much harder to do if every concession at the bargaining table were quickly communicated to attentive audiences at home, there to become the target of immediate and potentially inflammatory attacks by opportunistically-motivated rivals of the government in the domestic political environment. While there was a brief flirtation in the final phases of World War I with the notion that the politics of the international community at large ought to be as open to public inspection as the politics of the more progressive of the liberal democracies internally,[5] this aspiration quickly lost its magnetism as the competing nationalisms of Europe played havoc with the diplomatic proceedings at the Paris peace conference in 1919.[6] For those who were particularly impressed by these and other demonstrations of the adverse influence of jingoistic emotion on the course of world affairs, it was easy to conclude that diplomacy was a game best left to the professionals after all, even if their collective performance sometimes left much to be desired.

In Canada, there was a slight variation on this theme, since it was Mackenzie King's habit in the inter-war period to respond to almost every international crisis with the observation that "Parliament will decide."[7] But Parliament almost never did, because it was almost never asked.[8] King's real purpose was to defend his isolationist preferences against inconvenient importunities from London and elsewhere by asserting, in effect, that the decision on how to respond to them was not his own decision to make. In a bifurcated country, this may have been sound "national unity" politics, even if it was far from the truth. But whatever one thinks of it as a political strategem, the reality was clear enough: popular involvement in foreign affairs was to be discouraged, since it would lead to ill-advised policies abroad while inflaming already dangerous divisions at home.[9]

In the period after 1945, on the other hand, parliamentary discussions of foreign policy issues increased very considerably. This was partly because Canada by then had come to play a much larger role in world affairs. The foreign policy community, moreover, had grown very substantially in numbers, experience and stature alike, just as the influence of Mackenzie King had gone into gradual decline. It came finally to an end in 1948 with his retirement from public life.

Nonetheless, the new era of Canadian foreign policy was still marked by the view that international affairs, and particularly international *security* affairs, were complex matters that required flexible, subtle and carefully nuanced management by knowledgeable professionals. The *objectives* of foreign policy could certainly, *should* certainly, be subject to public discussion and debate, and so should its outcomes. But not the politics — the *diplomatic* politics — that went on between the defining of the objectives on the one hand and the assessment of the outcomes on the other.

In the security field at a time of "cold war," this traditionally discreet way of responding to the issues and problems of the day could also be defended on "national security" grounds. There were enemies about (or so almost everyone thought), and they lusted after secrets. In such circumstances a responsible statecraft might reasonably be said to call for official mouths being kept tightly shut. But the argument for conducting the practical business of foreign affairs behind the scenes and out of sight was extended to other issue areas, as well, and to the pursuit even of the most amiable of international relationships. Hence it was asserted by representatives of the foreign policy establishment in the middle of the 1960s that the most constructive way of managing relations with the United States — relations that were concerned as much with the low politics of bilateral functional cooperation as with the high politics of global peace and war — was by means of "quiet diplomacy."[10] This argument generated a flurry of protest and criticism in response, but the tempest did not last for long. Until well into the 1960s, therefore, the prevailing view in government was that the conduct of for-

eign policy was very different from the conduct of public policy in other areas, and that the differences warranted, among other things, a certain protection for the official foreign policy community from the more unseemly intrusions of ordinary political life.[11]

Such attitudes began to come under serious challenge, however, with the arrival of the government of Pierre Elliott Trudeau in 1968, and the changes that then began to ensue were subsequently accelerated by the broadening of the agenda of international politics itself. The new prime minister was committed, at least rhetorically, to what was described as "participatory democracy." In the context of foreign policy this was initially manifested in a handful of foreign service consultations with independent observers as part of a government-mandated process of foreign policy review. These consultations, moreover, were supplemented by parliamentary proceedings that involved the presentation of testimony to the Standing Committee on External Affairs and National Defence (SCEAND) by public and private voices alike.

The Trudeau government's objectives, however, had less to do with "democracy" than with the desire to weaken what was presumed to be the intellectual inertia of External Affairs and National Defence officials by exposing them to competing ideas from independent sources. Those who were invited to attend consultative meetings for this very limited purpose were selected by the Department of External Affairs on the basis largely of their perceived attentiveness to foreign policy issues. It followed that most of them were academics. *Demos* at large was absent from the proceedings, and it received no encouragement or opportunity to be otherwise.[12]

Having said that, it is possible to argue in retrospect that this was the thin edge of the wedge, and certainly the volume of centrally-orchestrated consultations with domestic interests of various kinds was to accelerate in the 1970s and 1980s. Much of this expanded activity occurred by way of the proceedings of pertinent parliamentary committees in both the Senate and the House of Commons. These deliberations were greatly facilitated in turn by the Parliamentary Centre for Foreign Affairs and Foreign Trade, which had been established in the late 1960s by Peter C. Dobell, a former foreign service officer, to promote a better understanding of international affairs among parliamentarians.[13]

While most of those who appeared before these parliamentary committees in the early years were "experts" of one kind or another, the witness "catchment area" began to broaden out as time went by. This may have been due in part to the gradual growth of populist expectations in the Canadian political culture at large, but in the end it began also to reflect new global communications technologies, which were having the effect of conveying disconcertingly vivid portraits of cata-

clysmic horrors overseas to every citizen who watched television news at home. For some this had a galvanizing political effect, compounded by a growing awareness that many of the newer issues on the international agenda, including the environmental ones, had transnational dimensions. Lobbying campaigns in support of remedial public policy initiatives rapidly ensued — campaigns that in many cases were soon being coordinated with those of like-minded individuals and organizations (some of them with "branch plant" structures) in other jurisdictions. The first of the modern "multinationals" had been economic enterprises, and they had generated in many quarters a measure of wary concern. Now they were being joined in increasing numbers by what amounted to "public service interest groups," the so-called "non-governmental organizations," or NGOs.

These developments obviously posed a direct challenge to the traditional view that foreign policy was not a policy like the others, and needed to be insulated from the hurly-burly intrusions of citizen-based politics. Even among those who still thought there might be some merit in the elitist view, moreover, it had to be recognized that the agenda of international affairs had become more varied and complex, and ultimately more "domesticated." If there was any case at all for arguing that the high politics of politico-security affairs should be relegated to the discretion of the professionals (and not everyone would accept that there was), it was not a case that could be made so easily in relation to economic, social, environmental, cultural and other such matters as directly affected the daily lives of ordinary individuals.

From the vantage point of the interested constituents, the underlying purpose of this burgeoning display of lobbying initiatives was clear enough. It was to influence the substance of government policy. Over time, however, and particularly (but not solely) in the environmental field, there developed a tendency to take the process one step further through participation not only in the pertinent political and consultative processes at home, but also more directly in relation to the business of professional diplomatic representation. It was now possible to harbour such ambitions not just because the government could be politically intimidated into responding to them, but also because in some areas it needed the help. Many of the organizations involved were in a position to offer information, expertise and administrative resources that could be used not only to improve the policy itself, but also to deliver practical programs in the field and on the front line. The result was that non-governmental players began increasingly to show up as members of official delegations to multinational conferences. One of the early examples was provided by the Canadian delegation to the 1972 Stockholm Conference on the International Environment, which was accompanied by advisers from the Canadian Labour Congress, the National Indian Brotherhood, the National Youth Conference, the Canadian Federation of

Agriculture, and the Mining Association of Canada.[14] A similar conference was held at Rio 20 years later. By then, NGO representatives were being included among the official members of the Canadian delegation — a practice pursued by some 30 other countries, as well.[15]

While much of this activity was *ad hoc*, so that particular consultations came and went with specific policy controversies or in tandem with the coming and going of major multilateral conferences, in at least a few issue areas the process became so routinely organized (and hence so routinely expected) that it began to have an institutionalized look. In the human rights field, for example, the Department has had for many years a regularly scheduled encounter with representatives of interested NGOs and others in advance of the annual meeting of the United Nations Human Rights Commission in order to discuss both the agenda and the Canadian position.

It is probably fair to say, however, that the fullest political endorsement for this sort of activity really came with the election of the Liberal government in 1993, which was committed by its "Red Book" election platform to the "democratization" of foreign policy and to an "open process for foreign policy-making."[16] At the most general level, the implementation of this commitment came initially by way of major reviews of both foreign policy and defence. Each of these entailed elaborate consultations through specially created joint Senate-House of Commons parliamentary committees, as well as more directly with officials and others through a National Forum on Canada's International Relations that was held in Ottawa as a kick-off for the two reviews in February 1994.[17] One of the recommendations that ensued, which was happily coincident with the preferences of the government (if not of the public service), was that the forum be repeated on an annual basis. In somewhat more elaborate guise (the fora now involve preliminary workshops in various regions of the country, which then lead to a "national" meeting at the end of the annual round), they have been so ever since. They are managed under the auspices of the Centre for Foreign Policy Development, a political office established within the Department precisely for the purpose of encouraging public inputs into the foreign policy process.[18]

It needs, in short, to be understood that government-orchestrated consultation in foreign policy has been a growing industry for some time. From the Canadian point of view, therefore, the Seattle exercise represented a new phase on a continuum of development rather than a dramatic innovation in itself. History has few watersheds, and this is certainly not one of them.

Having said that, it is important to note as well that most of this evolving activity has tended to bear on politico-security, human rights and environmental issues, rather than on matters related to commerce and economics. Indeed, it is

quite possible to argue that the latter area of concern has always been somewhat isolated from the conduct of the rest of Canada's external relations. The trade promotion components of the old Department of Industry, Trade and Commerce were merged with what was then called the Department of External Affairs in January 1982, and they brought many of their traditional ways of doing things with them. This essentially meant that they maintained extensive contacts with the Canadian business community (so that they could more effectively encourage Canada's export performance while at the same keeping abreast of problems and opportunities confronting Canadian business in the international trading environment more generally), but otherwise neither attracted, nor cultivated, much constituency attention. Consultations with economic interests did become more elaborate and more fully institutionalized at the time of the negotiation of the Canada-U.S. Free Trade Agreement, when the importance of understanding the specifics of Canada's economic interests led to the creation of the so-called SAGITs (Sectoral Advisory Groups on International Trade). But even then, the focus was clearly on the business community, and the Trade Negotiations Office (TNO), headed by Simon Reisman, made it very clear from the beginning that it did not wish to have its activities unduly complicated by excessive requirements for consultation with economic enterprises, provincial governments, other government agencies, or even other units within the Department of External Affairs itself.[19] Certainly there was no intention of generating consultations with groups that were opposed to the Canada-US free trade initiative in principle or were motivated by other political concerns. The implicit assumption was that these had had their say by way of public debate, and the government's decision to proceed in spite of them meant, quite simply, that they had lost the policy war and were no longer salient to the campaign (now devoted to the negotiation of the agreement itself).

It was precisely this assumption, however, that was abandoned in the period leading up to the WTO talks in Seattle. To the intricacies of that development it may be useful now to turn.

The Seattle Meetings: Preparatory Phase[20]

The particular stimulus that seems to have triggered the new and much more expansive approach to consultation on the trade side of the Department was the breakdown in October 1998 of the attempt by the OECD powers to negotiate a Multilateral Agreement on Investment, or MAI. This initiative had generated a great deal of controversy among transnationally inter-connected NGOs and other groups (many of them concerned with cultural issues) in the months leading up

to the ill-fated MAI conference in Paris. In this context, the immediate cause of the collapse was the withdrawal of the French, who were responding (ostensibly, at least) to political opposition from representatives of their own cultural community. Many of the latter were reacting in turn to a widespread perception at home that France, like many other countries, was becoming the victim of an identity-destroying process of cultural homogenization — a process that was attributed in broad terms to the globalization phenomenon. The departure of the French had the practical effect of unravelling the entire enterprise, since it quickly led to the withdrawal of the European Union as a whole. At that point the initiative became pointless, and the negotiations came to an end.

There is still considerable disagreement over what was *really* at the root of the MAI collapse. Opponents of the proposed agreement in the NGO and cultural communities (the Council of Canadians, for example) have naturally tended to take full credit for what they have interpreted as an immensely successful, significant and precedent-setting campaign. Others, however, have insisted that the more serious obstacles to inter-governmental agreement were located elsewhere, and would have surfaced in any event. Some have even asserted that the enterprise was probably doomed from the start because of its association with the OECD, whose membership lacked the range and variety that would have been required to give the kind of agreement it had in mind a genuinely global legitimacy.

But however that may be, there is no doubt that many of the governmental representatives who were involved in the MAI discussions, irrespective of their national origins, were surprised by the strength of the NGO resistance. They were also impressed by the sophistication with which its leaders had orchestrated their campaign. One of those who felt particularly "blind-sided" by the experience was the Canadian Minister for International Trade, Sergio Marchi, whose unhappy task it had been to perform as the chair of the Paris conference and hence to preside over its demise. Determined to ensure that Canadian delegates would not be similarly confounded at the WTO ministerial meeting scheduled for Seattle in late 1999, he instructed his officials to initiate a wide-open public consultation process as part of their general preparations. He appears to have hoped that extensive discussions with interested Canadians, by conveying a better understanding of the government's purposes and objectives, would dispel the anxieties of the potential critics, and persuade them to abandon any plans they might have for vocal opposition. But whether that was the rationale or not, an ambitious and elaborate array of consultations ultimately ensued.

Some of these, it should be noted, were conducted in traditional style through the House of Commons Standing Committee on Foreign Affairs and International Trade (SCFAIT), which was invited by the Minister as early as

September 1998 — that is, one month *before* the final collapse in Paris of the MAI — "to undertake public consultations on the full range of issues relating to the agendas of both the World Trade Organization (WTO) and the proposed Free Trade Agreement of the Americas (FTAA)."[21] Marchi wanted the Committee to report back "prior to the House rising in June."[22] Agreeing with the Minister "that it would be important to hear from a broad spectrum of Canadian society during the key preparatory phases of trade policy development" in relation to both of the two conferences, the Committee began its deliberations in February 1999, following the Christmas recess. Before completing its 313-page Report in June, the Committee was to take oral testimony in 30 public sessions from some 450 witnesses (a few of whom appeared more than once), and it received 287 written submissions. The Report itself offered a detailed review of the issues that the various presenters had raised. Some of these related directly to the operations of the WTO as an intergovernmental institution, and to the proposed areas for expanding the scope of the rule-based international trade regime over which it presides (e.g., in reference to dispute settlement, services, agriculture and agri-foods, intellectual property rights, culture, investment and competition policy, and so on). Others, however, were concerned with phenomena that many of the critics felt were being deeply affected by the trade liberalization project as a whole, even though they were not its ostensible focus of attention (societal values, the environment, health, sustainable development, labour standards, human rights, and other questions broadly associated with what the committee described in the title of Part Four of its Report as "equitable development and good global governance").

The report also contained 45 formal recommendations, a great number of which bore in whole or in part on the matter of consultation with societal interests. Taken together, they provide a revealing portrait of what seems now to have become the prevailing Ottawa consensus, even if its implications have not yet been fully explored. It may be useful to draw attention to a pertinent selection of them here. Recommendation 1, for example, suggested that

> *[t]he Government should review the existing trade advisory system in order to broaden its representation of societal interests and to support the objectives of:*
>
> - *conducting regular consultations with the broadest range of stakeholders within Canada in collaboration with all relevant Departments involved in policy formulation at the federal level;...and*
> - *providing timely information and feedback to Parliament and citizens during all pre-negotiation, negotiation, implementation and review phases of international trade and investment agreements.* [emphasis added]

The implication here was not only that the consultation process should be more continuous than before, but also that it should be extended to include, in addition to the representatives of specialized economic interests, "civil society" more broadly conceived — conceived, that is, in a way that would include the NGOs.

With reference to the functioning of the WTO itself, the Committee similarly proposed in Recommendation 4 that Canada push at Seattle "for a commitment to examine long-term institutional improvements to the WTO system aimed at strengthening democratic governance capacities, specifically by...developing [among other things] more institutionalized relations with civil-society organizations and continuing to improve public access channels."

Still again, in preparing for, advancing and defending Canadian interests "throughout" the negotiations themselves, the government should "include civil society more fully in the consultation and negotiation process" (Recommendation 5). The "practice of informing and consulting the provinces" should also be continued, and provincial representatives should be involved "in the negotiation procedure where it is desirable to do so, to protect their interests in their spheres of jurisdiction, while protecting the interests of the Canadian federation as a whole" (Recommendation 8). Likewise, the "stakeholders in the agriculture and agri-food sector, as well as all other affected sectors and Parliament, should be regularly consulted on possible changes in Canada's initial bargaining strategy in order to analyse the impact of the proposed changes" (Recommendation 16). Consultations with the private sector more generally were explicitly encouraged also in relation to a number of specific issues, including the trade in products that were of particular interest to developing countries (Recommendation 20), the market for exports of services (Recommendations 22 and 27), the question of intellectual property (Recommendation 31), and so on. And finally, it was suggested that "Canada should...support increased participation by appropriate United Nations bodies and UN-recognized civil-society organizations in the major discussions *leading up to, during, and following* the WTO's Third Ministerial Conference in Seattle" (Recommendation 45) [emphasis added].

The Committee, clearly, had become an enthusiastic supporter of extensive and continuing consultations with the NGOs and other private sector interests[23] — consultations not only with parliamentarians and not only during the early phases of policy development, but also with the executive branch of government and over a time-frame that would include the "administrative" processes of negotiation and implementation. In some respects, this is hardly surprising. The early phases of policy development after all, are concerned only with starting gates, and with hypothetical fall-back positions. In the real world, aspirations change as encounters at the bargaining table tell the negotiators more about what is pos-

sible and what is not. "Policy" is then adjusted to accommodate the intelligence thus acquired. The practical effects of the agreements that result, moreover, often have as much to do with the way in which they are interpreted and administered as with the way in which they are written. All that being so, those who are truly interested will want to be on hand at every stage. Whether, however, this leads to an enhancement of what we commonly understand by the term "democracy" may be another matter, and we will return to it later.

At the bureaucratic level, the preparatory consultations in practice involved more departments than one, although most of the consultative activity outside the Department of Foreign Affairs and International Trade was pursued in relatively traditional style. Since, for example, the harmonization of competition policy was identified as one of the subjects that would probably be included in the long-term negotiating agenda that the Seattle meeting was expected to launch, the Competition Bureau became directly involved (as indeed it had been involved from time to time in the past in relation to both bilateral and multilateral discussions). It therefore produced a 22-page discussion paper entitled *Options for the Internationalization of Competition Policy*, which became the basis for its consultations both inside and outside the government apparatus. But the "outsiders" consisted for the most part of well-established experts (mainly lawyers) in the competition and trade policy fields, most of whom were "regulars" drawn from the Bureau's existing stable of independent advisers. The discussion paper was circulated to them (as well as to interested targets internally) shortly after it was completed in April 1999, together with a covering note indicating that the Bureau would be getting back to them in due course in the hope of obtaining feedback. A series of four round-table sessions were subsequently held for this purpose in June (two of them in Toronto and one each in Ottawa and Montreal). These sessions complemented others that were held within the Bureau itself, as well as with other government departments (Foreign Affairs and International Trade, Industry, Transport, Agriculture and Agri-Foods Canada, Industry, etc.).

But all this was standard fare, and rooted essentially in the desire to obtain the best professional advice possible within the framework of liberal economic premises that underlies the Canadian approach to competition policy as a whole. The Bureau did make its discussion paper available on the World Wide Web, and this generated a few comments (mainly by fax, telephone and letter), but these appear to have been addressed for the most part to quite specific issues. The Bureau was also represented at some of the wider consultations initiated by the Department of Foreign Affairs and International Trade (DFAIT). These, however, it regarded as a quite different exercise, involving consultations not so much with "experts" as with "civil society."[24] That being so,

it confined its own role largely to observing the proceedings and providing specialized information in response to questions.

One of the most difficult and politically-sensitive of the areas that were scheduled for discussion at Seattle related to agricultural trade, and Agriculture and Agri-Food Canada was therefore another of the federal government departments to have a direct interest in the proceedings. Once again, this was not a new phenomenon, since trade in agricultural produce has been a long-standing item on the agenda of international trade negotiations, bilateral and multilateral alike. Here, as in other sectors, DFAIT was recognized as the lead agency for co-ordinating the Canadian negotiating position, but over the years Agriculture officials had been involved in DFAIT's consultative activities in a variety of different contexts (including, for example, the Agriculture, Food and Beverage SAGIT). The experience of the Canada-US Free Trade and subsequent NAFTA negotiations had generated a certain expertise on agricultural trade issues within Agriculture Canada, and on this occasion the Department thought it would be wise to take the initiative well in advance. As early as January 1997 its Minister, Lyle Vanclief, committed the federal government in a meeting with provincial and territorial agriculture ministers to consultations that would solicit the views of the various stakeholders and generate a sense of their substantive interests, as well as their assessments of the potential implications of the upcoming round. The basic idea was to find out how the government could use the opportunity to help them meet their export goals. They would be given plenty of time to consider the matter in an orderly fashion.

To give structure to the consultation process, the Department subsequently circulated a discussion paper in which it attempted to provide general background, to identify the sorts of issues that would probably come up, and to indicate what the negotiations that resulted might actually be like. With a view to conveying a sense of engagement in the consultative process at the very highest level, it was made clear that the Minister himself, along with the Department's senior officials, would be directly involved.

These communications resulted in a series of invitations being sent to Ottawa by stakeholder groups requesting departmental representation at sundry meetings and conferences all across the country. Some came from umbrella organizations like the Canadian Federation of Agriculture, but others from more specialized groups like the Dairy Farmers of Canada, the Canadian Horticultural Council and the like. They emanated from the regional and provincial, as well as the national, level. Meetings resulted, too, with provincial governments, supply management organizations (e.g., the Saskatchewan Wheat Pool), individual companies (e.g., Kraft Canada), and so on. They were held in a wide variety of locations over an extended period of time, the process as a whole beginning

(with reference specifically to the WTO) in late 1997 and continuing through 1999. Eight months ahead of the Seattle meeting itself, the Department also organized a somewhat more comprehensive conference in Ottawa, so that it could hear from all quarters at once in an atmosphere of collective discussion, and so that the stakeholders themselves could both learn from and react to the representations of other players in the industry.

In late 1998, these various proceedings were also supplemented by the specialized deliberations of the House of Commons Standing Committee on Agriculture and Agri-Food, a process that preceded, and fed into, the later and much more broadly ranging proceedings of the Standing Committee on Foreign Affairs and International Trade.[25]

The consultations in the agricultural field thus went a little further than those in the area of competition policy in the attempt to amalgamate a variety of related, but sometimes competing, interests into a broadly accepted consensus. Even here, however, there was a general understanding among the interested stakeholders that the basic point of the exercise was to identify their needs and interests as clearly as possible, so that the government could determine what its negotiating preferences should be. This in turn had the advantage of strengthening the political credibility of the government's intended bargaining position by demonstrating that it was supported by a united agricultural constituency at home. By the same token, the purpose was clearly not to challenge either the government's underlying commitment in principle to multilateral trade liberalization, or the liberal-market premises upon which the WTO initiative itself was based.

This seems to have been generally true in the case of most of the other interested federal departments, as well, and it was certainly the pattern in discussions between Ottawa and the governments of the provinces and territories.[26]

In the case of the Department of Foreign Affairs and International Trade itself, however, the process, or parts of it at least, had a very different flavour. Given the reactions of the Minister to the growing controversy over the MAI, the planning actually began quite early, in September 1998, when a number of training workshops were organized for the pertinent foreign service officers in order to acquaint them with the techniques and challenges entailed in outreach, public communications, information dissemination, and consultation activity. The consultative enterprise itself was triggered on February 6, 1999, when the government published a notice in the *Canada Gazette* requesting input from any and all Canadians on the scope, content and processes pertinent to the negotiations in relation not only to the WTO, but also to the proposed Free Trade Area of the Americas (FTAA).[27] The notice was supplemented by a direct mailing over the Minister's signature to some 400 different organizations — not just business

enterprises and their representative organizations, but the NGO community at large — inviting their comments. This was later followed by a letter from a department official at the level of Director, extending the deadline for responses. The original *Canada Gazette* notice was also posted on the department website, where it generated more than 200 written submissions. The latter were circulated to pertinent offices in DFAIT itself as well as to other potentially-interested government departments.

In addition, on May 20, 1999, the Department launched a new "Trade Negotiations and Agreements" (TNA) website to provide information on Canada's trade policy agenda, and it, too, included a section entitled "Consultations with Canadians" seeking feedback from Canadian citizens at large on the issues involved.[28] Among the other items to appear on the site as it developed over the ensuing weeks were the following: (1) a series of discussion papers that were prepared by DFAIT and other government departments asking for comments from interested stakeholders and Canadians in general on specific issues; (2) detailed information on the pending WTO ministerial meeting in Seattle, together with instructions on how interested NGOs could seek to register for the conference with the WTO itself; (3) the list of those who were to comprise the Canadian delegation, once this had been determined (that is, in November); (4) the text of the Canadian proposals that had been tabled at the WTO in Geneva, together with links to other countries' proposals where these were available; and (5) the government's own response to the June Report of the House of Commons Standing Committee on Foreign Affairs and International Trade (see below).

Still again, in June and July 1999 the Department sponsored a series of *ad hoc* meetings and discussion groups — the so-called "cross-Canada sectoral consultations" — with interested experts and others in various parts of the country on particular issues, notably "Trade and Environment," "Investment," and "Competition Policy." The reports that ensued, along with the names of those who had participated, were also posted on the new TNA website.

And finally, there were two major "Multistakeholder Consultations on Canada's Trade Agenda," both chaired by the Deputy Minister for International Trade (Robert Wright). The new Minister, Pierre Pettigrew, took part, and a professional facilitator was contracted to manage the traffic. The first of these was held on May 20, and was centered on a discussion paper (also available, with the list of the participants, on the new website). The second came on November 19. Attended by representatives of Canadian NGOs that were officially registered with the WTO for the Seattle conference, it used as the focus for discussion the government's response to the *SCFAIT Report*.

It should be emphasized once again that all this activity was in addition to the operations of the Department's already existing mechanisms for consulting not only with other government departments and the provinces and territories, but also with private sector interests through the 13 Sectoral Advisory Groups on International Trade and the so-called Team Canada Inc. Advisory Board.[29] In those instances, however, the tenor of the discussions seems to have been very much like the one that prevailed in the consultations orchestrated by Agriculture and Agri-Food Canada, and hence lacked the colourful complexity that prevailed in the proceedings that emerged in the newer mechanisms, where the participants were more diverse. We will return to this at greater length below, once we have considered the Seattle experience itself.[30]

Before moving to Seattle, however, there is one further development in the preparatory phase that may warrant brief attention. Several references have been made in the foregoing to the government's response to the June Report of the House of Commons Standing Committee on Foreign Affairs and International Trade (the *SCFAIT Report*). Such responses to the reports of committees are currently required under House rules, and in this case the pertinent document was released on November 15. Within the framework set by its general enthusiasm for trade liberalization, it was broadly supportive of the report's conclusions, although offering a cautionary note and a qualifier here and there. But in the present context its observations on "Consulting with Canadians" are of particular interest. Noting that "[f]ully one-third of the Committee's recommendations encourage the Government to engage and consult Canadians as we prepare for new negotiations," it re-affirmed the government's commitment "to a program of consultations with Canadians to learn their aspirations and concerns first-hand, so that our negotiating positions best meet the needs of all Canadians." This process would continue, moreover, "as negotiations proceed and issues become more clearly defined." Drawing attention to the Department's international trade website, and noting that Canadians had "been encouraged to appear before Parliamentary committees" and were continuing "to participate at 'round table' meetings organized by the Government," it reported that "[t]housands of Canadians have been heard at meetings, deliberated in focus groups, made submissions, or otherwise participated in the development of Canada's negotiating priorities." All this was in addition, moreover, to intergovernmental consultations with over "two dozen federal departments and agencies" as well as with the provincial and territorial governments — consultations that would "continue throughout the new negotiations." The "role of Parliament and the input of all Parliamentarians" were also welcomed.[31]

Similarly supportive references to the importance of the consultation process occur elsewhere in the document as it works through the various SCFAIT recommendations. In the final paragraphs, however, a gentle brake is applied to the suggestion in the SCFAIT Report that non-state actors ought to play a more direct role in the dispute settlement and other procedures of the WTO itself. With regard specifically to the former, the government noted that while it supported "the objectives of transparency that non-state participation promotes," it also had "concerns about the impact that these measures could have on the state-to-state character of the WTO's dispute settlement mechanism." With regard to the latter, it agreed that "greater transparency of WTO activities is essential to building and maintaining public support for the multilateral trading system," but it also observed that its own proposals for making the organization's "working documents readily available to the public" had met with a "mixed" reaction among the WTO's members, some of whom actually favoured "further restrictions on existing practices." It would continue to seek improvements, but "progress [was] expected to be incremental." "Domestically," of course, it was "engaged in a broad range of stakeholders consultations in the lead-up to the Seattle Conference," as it had already indicated.[12]

These passages are among the very few in the available official documentation to suggest any determination to defend the government's turf against the potential intrusions of non-governmental interlopers. Even here, moreover, the reference is only to the workings of the WTO as an intergovernmental institution, and it is not entirely clear whether this reflected its own preferences, or simply manifested the recognition that *other* powers were unlikely to abandon their attachments to traditional state practice in order to make way for the more direct participation of new kinds of player. In any case, if the government's own preferences were really driving the policy, they were doing it under the protective cover afforded by the preferences of others. Perhaps this was a politically more palatable way of proceeding.

The Seattle Conference: In the Middle of the Action

These elaborate consultative activities did not end with the departure of the Canadian delegation for Seattle, but were continued "on site." To some extent, they were then built into the composition of the delegation itself. Of its 84 members, 44 represented the federal government. These included two Cabinet minis-

ters (Pierre Pettigrew for International Trade and Lyle Vanclief for Agriculture and Agri-Food Canada) together with their respective deputies, the Canadian Ambassador to the WTO (Pettigrew's predecessor, Sergio Marchi), and 39 other officials from a total of nine federal departments and agencies. Of the remaining 40 delegates, 26 were described as "Observers" and 14 as "Private Sector Advisers." Of the observers, 10 were parliamentarians (two Senators and eight MPs, the latter representing all parties in the House), and 16 were representatives of the provinces and territories (seven ministers and nine officials). Of the 14 non-governmental advisers, one represented the agricultural community (Don Knoerr, who was also the Co-Chair of the Agriculture, Food and Beverage SAGIT), and six came from the business community.[13] Of the rest, two were labour leaders (Ken Georgetti, President of the Canadian Labour Congress, and Henri Massé, President of the Fédération des travailleurs et travailleuses du Québec); two represented organizations with a particular interest in the environment (Elizabeth May, Executive Director of the Sierra Club, and David Runnalls, President and CEO of the International Institute for Sustainable Development); one was a lobbyist in the cultural field (Robert Pilon, Executive Vice-President, Coalition pour la diversité culturelle); and two came from consulting firms (Gerald Shannon, Senior Counsel for Government Policy Consultants, and Peter Clark, President of Grey Clark Shih and Associates Limited).

In addition, 65 private Canadian organizations were registered at the conference independently of Ottawa by way of the WTO itself. Of these, well over half represented business, agricultural, marketing and other trade-promotion interests of various types, ranging from umbrella organizations like the Alliance of Manufacturers and Exporters Canada and the Business Council on National Issues (which were also on the official Canadian delegation) to such specialized groups as the Canadian Wine Institute, the Chicken Farmers of Canada and the Canada-Korea Business Council. A number of others were academic and/or professional organizations with a particular interest in trade (like the Canadian Bar Association and the Centre for Trade Policy and Law). Labour groups were also included, along with a diverse array of organizations concerned with culture, the environment, international development, human rights, and so on (e.g., the Canadian Library Association, the Council of Canadians, the Institute for Media Policy and Civil Society, the International Centre for Human Rights and Democratic Development, OXFAM Canada, the Polaris Institute, the Sierra Youth Coalition, Transparency International Canada, and the World Federalists of Canada, among others).

While technically these other organizations were in Seattle on their own, the government undertook to keep them as well-informed, from the Canadian

perspective, as possible. The result was that as much of the time of Canadian officials was devoted to nurturing their own delegation and the other Canadians who were in attendance as to dealing directly with the negotiations themselves.

The official conference proceedings effectively ran from Tuesday, November 30 to Friday, December 3, although they were preceded on Monday, November 29, by various presentations and encounters between WTO and various national officials on the one hand, and the non-governmental community on the other. The formal conference was also somewhat disrupted on the Tuesday by an evening curfew that followed on the outbreak of disturbances in the city. In an attempt to keep everyone concerned fully briefed on the latest developments in the various negotiating sessions and to provide an occasion for hearing the views and comments of the observers and independent advisers, there was a meeting of the full Canadian delegation early every morning. In addition, there were two-hour open meetings every evening (except on Tuesday, when the curfew was in effect) with the representatives of the registered Canadian NGOs, together with any others who were interested in attending. These open sessions were usually attended for at least part of the time by both of the deputy ministers, and occasionally by the ministers, as well. The audience was often quite large, and at the beginning the proceedings were on some accounts a trifle unruly (one official estimates that on the Monday night, when Robert Wright, the Deputy Minister for International Trade, was in the Chair, there were some 300 in attendance — a circumstance that in itself would have precluded a systematic and reasoned debate). They appear to have been dominated by pointed inquiries and commentaries from the more critical of the NGOs, while the more traditional representatives of economic interests looked on with varying degrees of bemusement. The intention of the organizers was that the first hour of the evening meetings would be devoted to general issues, and the second to the specific area of agriculture. Along with the oral briefings, documents and texts of various kinds were distributed to those in attendance.[9]

In addition, there were special meetings every day with the delegates from the provinces and territories in order to keep them fully up to speed, and all members of the delegation, together with the representatives of the registered Canadian NGOs, were invited to attend the Canadian briefing sessions for the media, which were similarly organized by officials in the delegation. Interestingly, the news media were provided, among other things, with lists of the Canadian NGO participants, apparently with a view to facilitating direct contact between the reporters on the one hand and the NGO representatives on the other. Two Canadian officials were designated as liaison officers, moreover, to be available, full-time, for consultation in person or by cellular telephone not only to the 14

Private Sector Advisers but also to all of the registered Canadian NGOs. A dedicated telephone line with constantly updated messages on tape was similarly established so that NGOs and others could easily obtain the latest information on scheduling adjustments and the like. Special programmes were also organized for the parliamentarians, who spent part of their time in discussions with counterparts from other countries.

Finally, DFAIT's "Trade Negotiations and Agreements" website was revised on a daily basis so that Canadians who were not actually in Seattle could complement their other information sources with the Department's own account of what was happening on site.

By the traditional standards of statecraft, this was certainly a very elaborate apparatus for communication between diplomats engaged in front-line action on the one hand and their interested constituents on the other. Having said that, it is important to remember once again that precedents for it had been developing for some time, and in recent years had become a fairly standard feature of multilateral diplomacy in certain issue areas (notably those bearing on the environment, human rights, gender equality and international development). It was, in fact, the linking of the trade and investment agenda with these other matters (not for the first time at the Paris conference on the MAI, but perhaps there for the first time with near-universal visibility) that had led to an unfamiliar and more broadly-based politics spilling over into a field that specialized trade negotiators had previously been able to treat as largely their own. They were now trying very hard to cope with the ensuing complications, but the territory was still relatively new and unexplored.

Participant Reactions

It is somewhat hazardous, on the basis of interviews with only a few of those who took part, to generalize about the reactions of the various participants to the consultation process. Those who followed the media coverage of the Seattle proceedings with some care will know that the conference acted as the magnet for an extraordinarily vigorous and diverse display of often-incompatible preferences and positions. At first glance, many of the bedfellows seemed more than passing strange. The spectacle of American stevedores and airline pilots campaigning (as on cursory inspection it appeared they were) against the further elaboration of a rule-ordered multilateral trade regime could easily leave the more innocent of onlookers completely baffled. Indeed, there was irony enough here to amuse even the intricately well-informed.

What this means in the present context is that those who became engaged as "consumers" of the Canadian consultation exercise were in fact approaching it

with a wide variety of different purposes and expectations. Some, for reasons that varied greatly from one case to another, were opposed to the entire WTO project in principle, and even to the globalization phenomenon itself. Others wished to tap into the international rule-making exercise that the Seattle conference was ultimately designed to launch in order to accomplish other objectives in the world at large (e.g., the creation of an enforceable set of international standards for environmental conservation, or en effective regime for the enhancement of human rights). Still others were clearly engaged in what they saw as an exercise in damage-limitation. They were attempting, that is, to protect what they thought were particularly valuable characteristics of life in their own communities against the threat of erosion by precisely those global forces that the WTO seemed designed to embody and reinforce. In some cases, moreover, the *ostensible* purposes were not necessarily the real ones, or at least not the only real ones. There are always hidden agendas in politics, whether the politics itself be right, left, or centre. And on top of everything else, those who were consulted by the government of Canada as constituents of Canada were often "globalized" themselves. That is, they were "branch plants" of transnational organizations (like OXFAM Canada) or were working in closely orchestrated coalition with like-minded counterparts from other jurisdictions. Politically and philosophically, moreover, a few were bound together by a common attachment to transnational "social movements," which had developed (at least partly) in response to the market-liberal premises that supported the multilateral trade regime at its very root. In these confused circumstances, different participants in the process could hardly be expected to react to it in the same way. Their assessments, favourable or otherwise, were bound to vary with what they wanted, what they expected, and what they actually obtained.

With this important qualification, however, it is still possible to offer a few general comments on the reactions respectively of representatives of the business and agricultural communities, the so-called "NGO" or "civil society" communities, and the policy-making community itself.

Business and Agriculture

In the case of the business and agricultural communities, there seems to have been general satisfaction with the traditional style of consultation pursued by Agriculture and Agri-Food Canada, as well as through the SAGIT system in Foreign Affairs and International Trade. These were regarded as reasonable attempts by the government to enhance its working knowledge of how Canada's economic interests would be concretely affected by changes in the existing trade regime, and to determine what additions to the WTO system would help the players on the ground to improve their export performance. They were, however, considerably

less enamoured with the more general consultations that included the public service interest groups, or NGOs, and their dismay seems to have intensified during the Seattle conference itself. This was partly because they were startled, and to some extent irritated, by both the style and substance of many of the NGOs' interventions, which tended to be adversarial and combative, and which often seemed to be aimed at the *fundamentals* of trade liberalization and the WTO experiment, rather than at the specifics of implementation. Their reaction to this was not improved by their sense that the NGOs were claiming a higher moral ground for themselves than they were willing to attribute to others. They were components, they insisted, of "civil society," and hence were speaking for the public good at large. The business and agricultural communities, by contrast, were pursuers of no more than their respective vested interests. Such a posture, explicit or implied, led to the predictable, if sometimes unspoken, two-part question in rhetorical response: (1) Aren't we part of civil society, too? and (2) Who elected *you*?

This reaction was compounded at the conference itself, because it seemed to the business and agricultural communities that at least some of the NGO representatives were working in direct opposition to established policy. Both of the economic communities took the view that they were actually there to help the government pursue its objectives. More concretely, they could use their contacts in other jurisdictions to make the Canadian case in a way that might eventually turn out to be helpful at the bargaining table, and they could use them also to acquire information on the domestic interests and politics underlying the positions taken by other governments — information that could facilitate the work of Canadian negotiators. The NGOs were playing much the same game, but they were not doing it within the framework of Canadian policy. This was because their vantage point was a critical one. Their interventions were so vigorous and diversionary, moreover, that their active involvement in the proceedings made it difficult for the more traditional players to deliver the contribution they really wanted to make."

It is, of course, perfectly possible to explain this reaction in "political" terms, and this is certainly the kind of explanation that many of the NGO representatives would themselves prefer. The business and agricultural communities, after all, had traditionally enjoyed a privileged, indeed an institutionalized, relationship with the pertinent departments of government, and were accustomed to dealing with them (a) largely on their own, and (b) on the basis of shared assumptions and goals. There might be differences over policy here and there, and certainly there were disagreements over specific issues, but all of this occurred in the context of a common understanding and acceptance of basic premises. Now, however, the coziness of their relationship with governing authorities was being disrupted by alien interlopers. These had different (and

from the business point of view inconvenient) agendas, and some of them went as much to questions of underlying principle as to details of policy implementation. In effect, the business and agricultural interests were facing a new battery of increasingly powerful adversaries who were operating for the first time in quarters that were very close to the policy-making process, and they did not like it very much. On such an account, the "establishment" was being discomfited in the corridors of power by the "grass roots" — and high time, too.

There is probably some truth in this, but it may go more to questions of attitude than to the substance and potential implications of the procedural debate. We will return to this below.

The NGOs

In the meantime, there is the matter of how the NGOs themselves reacted. Recognizing again that they cannot all be placed in the same category and certainly do not speak with one voice, in the broadest terms it is probably fair to say that they, too, had reservations about the consultations in which they were involved, albeit for different reasons and with varying degrees of intensity. At the technical level, some of them felt that the meetings they attended in the preparatory phase were designed more as briefing sessions than as opportunities for genuine debate and for inserting potentially influential input into the policy process. They would have preferred encounters — perhaps encounters that were managed by independent facilitators — that were geared more to a continuing flow of "back-and-forth" argument and discussion than to briefings followed by questions and answers. This problem may have been compounded in particular cases by the size of the gatherings involved, together with the eclecticism of the interests that were represented and the relatively brief duration of the proceedings. Only so much can be done with so many people in so short a time. But it may also have reflected the fact that the self-styled "civil society" participants often wished to debate the issues at a far more fundamental level than the one preferred, for example, by the representatives of the business community. Frequently, too, they were proposing "add-ons" to the government's position in a way that would enormously complicate its negotiating agenda, and in circumstances that were already daunting enough. Either way, there was a problem for officials, whose job description makes it difficult for them to express agreement with challenges directed to the fundamentals of government policy. In any case, there was a natural tendency in much of the NGO community to think of the government position as basically supportive of the economic interests that stood to benefit from the globalization process itself, and from the WTO as its institutional manifestation.

Interestingly, NGO perceptions of the proceedings of the Standing Committee of the House of Commons on Foreign Affairs and International Trade seemed to have been much more favourable. This may have been due in part to the sensitive performance of its now-very-experienced Chair, Bill Graham, but it probably relates more significantly to a combination of format and role. The Committee hears from its witnesses either individually or in small groups, and this allows for a series of exchanges between the latter and the Committee's members after the formal submission has been made. The premise, moreover, is that the Committee is there not to brief interested constituents on the position of the government, but rather to listen carefully to what the witnesses have to say and then to engage them in discussion. In addition, since the political composition of the Committee is a rough mirror of the political composition of the House as a whole, there is no difficulty or awkwardness in discussing ideas that are incompatible with existing government policy. To deal with such ideas is part of what the public political process is supposed to do. In these circumstances, a genuine exchange of points and counterpoints can easily occur, and the complications and policy trade-offs that are brought to light can be discussed openly in the Committee's eventual report, if this is what it wishes. Those who depart from the majority consensus, moreover, can say so, and say why, in a dissenting report if that suits their purpose. The experience as a whole thus conveys to those who go to the trouble of making representations the sense that they have had a reasonable run at the target (even if they lose the battle for policy in the end).

In Seattle, as already indicated, the conference itself was badly organized, and this resulted in considerable confusion and frustration for many of those who took part, particularly at the beginning. Problems of an organizational sort were partly (although not solely) responsible for the testiness of the first of the larger Canadian consultations on Monday evening. The problem was later compounded, no doubt, by the size of the public demonstrations and by the fact that some of them took an ugly turn. In multilateral diplomatic conferences of this size (the WTO then had 134 members), moreover, the flow of information runs through a great variety of channels and emanates from a multiplicity of sources. Some of the NGO participants therefore felt they had access to a rich supply of information quite independently of what government officials were able to provide, and it often reached them more quickly. At the same time, they had little sense that they were being exposed to effective opportunities for influencing government policy directly. On the other hand, many of them naturally came to the conclusion that they had played a role, as components of global "civil society" at large, in ensuring that the conference would ultimately fail. This view is quite universally contested by trade officials and independent experts, who tend to

argue that major disagreements among the most significant players — disagreements that had not been resolved in the preparatory phases of discussion in Geneva — had doomed the proceedings from the start. But either way, the diplomatic process was so enmeshed in an atmosphere overloaded with governmental and non-governmental information flows alike that it makes little sense to try to separate the significance of the NGO representations that were aimed specifically at the Canadian negotiators from the impact of the overall communications cacophony on the proceedings as a whole. To put the point another way, to the extent that some of the NGOs believe they "won," they think that they did so *outside* the system, not *inside* it.

The Policy-Making Community

The reactions to the consultation experience of the officials inside the policy community are in some respects harder to read. Certainly they found it interesting. It was also hard work, and they are clearly proud of the effort they made. Their commitment to continuing and refining the process in the future is also very evident. The TNA website is being maintained, at considerable expense, on a permanent basis, and in the summer of 1998 the Department upgraded the institutional priority it was giving to the consultation process by establishing a full "Trade Policy Consultations and Liaison Division."[36] The creation of the Team Canada Inc. Advisory Board has already been noted, and of course the SAGITs and other traditional mechanisms are being preserved, in some cases with adjustments in the membership to incorporate greater representation from labour, environmental and other interests. Canadian officials, moreover, have been pressing quite hard for a much more transparent approach to the operation of the WTO itself, noting in a paper circulated to other delegations at Geneva as recently as March 24 that "Seattle showed that public support for built-in and expanded negotiations will depend, to a large degree, on inclusiveness and *external transparency* of WTO processes."[37]

The general commitment to consultation might conceivably weaken under a different political leadership or in response to a repetition of experiences that were thought to be counterproductive. On the other hand, the level of expectations in the interested constituencies is now very high, and the precedents are mounting up. Furthermore, there is some evidence that the broader agendas of the NGO communities are having a significant impact on what might be described as the "definition of the problem." In effect, there is a growing recognition that important political issues are being raised, and even if some think them wrong-headed, there is widespread understanding that the clock cannot simply be turned back. Nor were the consultations without utility, even for technical specialists, on their own terms. To provide just one example, some of the

advocates of internationally-agreed rules on competition found it very instructive to hear from specialists in international development that the practical implementation of such a regime would be, quite simply, beyond the governing capacity of many of the less-developed countries (LDCs).

While opinions among different officials at different levels of the bureaucracy obviously vary, therefore, there is probably a general consensus that the effort has been worthwhile, and continues to be so, even if it requires a substantial allocation of scarce bureaucratic resources, and even if the proceedings that result are often frustrating and inconvenient from the vantage point of the practitioner.

Commentary and Conclusions

The present study began with a series of observations to the effect that the transnational politics associated with globalization may be creating a problem for liberal democracy as traditionally understood. This is because democratic principles and practices are both founded on the notion that the political communities to which democratic governments are accountable are not themselves transnational, but are enclosed instead within state boundaries. These, however, are boundaries to which transnational players on both the "right" and the "left" often react with indifference at best, and hostility at worst.

It is not entirely clear, however, that the Seattle experience really demonstrates a serious problem at this broad level of analysis. It is certainly true that many of the non-governmental players who were actively involved in the proceedings — official and unofficial alike — were themselves transnationally organized or allied, and in this respect they were not unlike the multinational enterprises whom they regard as their natural political adversaries. Perhaps this should not be regarded as surprising. After all, the "interest group" approach to political analysis — which, particularly in the United States, is commonly linked to traditional pluralist theory — would have predicted the development of precisely such a phenomenon. This is because it would have regarded the growing influence of multinational corporations in the late 20th century as an inevitable stimulus to the emergence of a countervailing political response.

From a somewhat different perspective, historians of the modern era, and particularly of the period from World War I to the 1950s, could well have come to much the same prognostication. They would remember that the construction of the "mixed economy state," with its concomitant battery of social "safety nets," was partly a response to the unhappy discovery that liberal capitalism, if left alone, caused casualties. Keynes' preoccupation with the problem of unemployment was inspired in no

small measure by his sense that capitalist democracy could only survive if its roughest edges were smoothed away. Unless that were done, it would lead to an unpleasantly radical and oppressive politics, as the experience of Europe in the period between the wars had amply demonstrated. Those who later bought into the argument for generous social policies often had similar considerations at least partly in mind. All that being so, if the real locus of market forces moves inexorably from the national to the international environment, and is then thought (when left unrestrained) to display comparable warts, why should there be any surprise in the subsequent arrival of demands for corresponding remedial action in the international context? The fact that some of the specific issues in dispute appear on the surface to have an unfamiliar look is incidental — a product of nothing more than changing technologies and adjusted circumstances. The underlying "politics" is ultimately the same.

But having said all that, and while conceding that much of the activity "in the streets" at Seattle was both transnationally inspired and aimed at exerting transnational influence, in the final analysis its focus, with some exceptions, was still on state action. Indeed, it could be argued that many of the NGO representations, although certainly not all of them, were actually designed to force governments to retrieve the powers that they had abandoned to transnational market forces so that they could once again deal effectively with their broader constituency obligations, both at home and in the world at large. They were being asked, in effect, to act more aggressively in countering (for an admittedly eclectic array of "public interest" purposes) the cleverly manipulative evasions of the transnational economic actors whom, on this account, they had given up attempting to control. In that sense, the Seattle meeting inspired a genuine display of transnational "public politics," but it posed no threat *in principle* to national (and hence ultimately to international) "government," even if it did point to a fundamental change in the character and composition of the political forces to which governing authorities almost everywhere are having to respond.[38]

With respect more specifically to the consultation process itself, on the other hand, there may well be some important lessons in the Seattle experiment. It should be noted at the outset that the question of whether orchestrations of consultations in this way are, or are not, compatible with parliamentary democracy in the foreign policy context has recently been a target of criticism in the academic literature.[39] Part of the complaint is that the process is inherently selective and elitist, a problem that is compounded when the "selecting" is done "top-down" and the consultations are with influential officials in the bureaucracy rather than with politicians in Parliament.[40] The role of Parliament is weakened when this occurs, a consequence that adversely affects its credibility with the public at large. The practices at issue can also diminish Parliament's capacity to

contribute to the process by which the competing wants, needs and demands of a variegated polity are reconciled, "traded off," and ultimately aggregated into broadly accepted and coherent policies of state.

While these are important and significant concerns, it is also the case that interest group lobbying has long been regarded as a useful, and indeed as an inevitable, complement to the democratic political process in a liberal society. Electoral contests and the campaigns that go with them are certainly essential to the democratic system of government, but they cannot cover all the communications that must occur if those who govern are to be effective in meeting the needs of those whom they are obligated to serve. In addition, and as already noted, the new arrivals among the lobbyists in the trade field can reasonably reply that the situation is still much better than it was before, since their presence ensures that new and countervailing views, interests and considerations will be taken into account. The alternative is to abandon the field entirely, as in the past, to the one-sided forces of the economic establishment.

This is by no means a trivial argument, and it has obvious appeal for all those who think that an element of balance is essential to the calculations that underlie the most thoughtful and responsible of public policies. Having said that, however, there may still be a problem that cannot be resolved by ripostes couched in such obviously "political" terms. This is because the kinds of issues that the NGOs, in particular, often wish to raise bear on the *fundamentals* of policy — on basic policy principles — in a way that the representations of specific economic interests do not. The NGOs frequently make a virtue of this reality by arguing, in effect, that they represent the public interest at large (the "common good"), whereas their rivals represent interests that are essentially their own (even if they sometimes claim, in the fashion of erstwhile executives at General Motors, that what is good for them is good for everybody else too). Leaving aside the question of whether they really do represent the common good (an assertion that in each specific case is readily subject to debate),[41] the argument itself actually makes the central point, which is that the NGOs are frequently (not always) operating at a different level of policy discussion from that of their adversaries.

To put the point another way, the economic interests in the trade consultations were essentially functioning within the parameters of established government policy. They might wish to fine-tune the details, but in general they were fully, and happily, "on side." In effect, they had already "won" the public politics upon which the policy was founded — and long ago, too. By contrast, many of the NGOs (again, not all) were profoundly critical of established policy. Some of them even thought it had nefarious political origins. Earlier, in short, they had "lost" the public politics. Their mission was therefore not to engage in fine-tuning, but to pursue a major overhaul.

There is obviously nothing wrong with harbouring such a purpose. The pursuit of competing objectives of this general sort is the elemental stuff of politics. There is, however, a very serious problem with the notion that reacting to such aspirations is something that officials, as opposed to politicians, can reasonably be expected to do. As observed earlier, many of the NGO participants seem to have felt that the bureaucrats were preoccupied in the consultations with their briefing functions, and hence were not very responsive to the arguments that the NGOs themselves were attempting to make. But that *kind* of debate is not the sort of exercise that public officials can comfortably entertain. They can report what they hear, but they cannot "do the politics" themselves — not, at least, at so fundamental a level.

All this may help, once again, to explain why the NGOs felt that their encounters with the politicians in the Standing Committee had been more fruitful than their meetings with officials. Conversely, it may also help to explain why the business and agricultural communities normally find meetings with the bureaucracy more useful than meetings with parliamentarians, and why they were so discomfitted in the present example by what they regarded as an unhappy politicization of a previously "professional" channel for more-or-less technical communications with public service implementers.

From these observations, if they are taken seriously, certain practical implications flow. Among them are the following:

(1) Unless the minister is present, the public service should probably avoid staging consultations in a way that encourages participants to think that the occasion is an appropriate one for mounting fundamental challenges to the basic premises of government policy. Otherwise, both sides in the encounter will find themselves in difficult, not to say false, positions, with counter-productive consequences all around. Those who have been consulted will feel that they have been subjected to tokenism, instead of being taken seriously, and those who are doing the consulting will feel unable to engage in the debate in the way that their opposite numbers will think appropriate to the matters they have raised.

(2) To the extent that consultations are encouraged, and recognizing that the line between the political and administrative domains can be difficult in practice to define and hence to police, the nature of the exercise, and of its limitations, should be made starkly clear at the outset. Officials certainly should not hesitate to indicate where they think an issue is essentially a political one that needs to be addressed elsewhere. It should also

be emphasized that being invited to a consultation does not impart a guarantee of influence, much less a guarantee of victory in the policy war.

(3) All players, NGOs included, should keep in mind that the proper targets for political representations on issues of fundamental principle are not the public servants, but the politicians, and the place for them is in the public domain or in the working apparatus of political parties, and not "behind the scenes." Lobbying the public service is not a substitute for losing the thrust of one's policy preferences at the polls.

(4) Given these realities, the importance of the parliamentary process and the potential value of well-run hearings of parliamentary committees should not be underestimated. A democratic politics requires the careful nurturing of its political institutions. It cannot rely on the happenstance distribution of interest group initiatives at the bureaucratic level to accomplish its purpose.

A critic of these conclusions might conceivably argue that they amount to advising those who are most in need of political assets to abandon to their more powerful opponents the most promising of the available channels of influence. Parliamentary systems of responsible government are executive-dominant, and in the real world of policy-formation, permanent officials are often thought to exercise more policy influence over the long haul than do transient political leaderships. This makes them targets of choice.

But these realities do not obviate the need, in the end, to distinguish what is importantly "political" in government from what is merely instrumental, and to ensure that the right tasks are performed in the right places. Bureaucrats and politicians alike thus need regularly to be reminded of the constitutional principles that really underlie the institutions they inhabit and the roles they respectively perform. *Ad hoc* responses to passing political pressures may provide what seem to be comfortable solutions in the short term, especially if they can be dressed up in the empathetic language associated with the politics of "inclusion," but over the longer term they can be insidiously corrosive of the democratic principle.

If the Minister is right, moreover, in thinking that we are headed for fundamental transformations in the way politics is being done the world over, it may be even more important than ever to keep track of first principles. When a large vessel navigates in lightly charted waters, as these are, its skipper is well-advised to stick to well-known channels, at least until reliable new soundings are in.

1 Hence the title of J.L. Brierly's classic treatise on international law: *The Law of Nations: An Introduction to the International Law of Peace*, 6th ed. (London: Oxford University Press, 1963).

2 This is a condition that is sometimes described *within* the sovereign state as "law and order" — a phrase, however, that often has a more ambiguous set of connotations at home than does its counterpart in the world at large.

3 One of the very few academics to pose this problem in systematic terms, and in a way that relates it to political theory, is David Held. A recent statement of his position, following on a long list of contributions to the literature, can be found in "The transformation of political community: rethinking democracy in the context of globalization." See Ian Shapiro and Casiana Hacker-Cordón (eds.), *Democracy's Edges* (Cambridge: Cambridge University Press, 1999), pp. 84-111.

4 Obviously there were exceptions, many of them rooted in imperial jingoism and other manifestations of nationalism. But more often than not these were stimulated by political leaders. In the trade field, certainly, there were open political debates between liberal and protectionist forces. On the whole, however, the conduct of foreign policy was left to the discretion of ruling (and often aristocratic) elites.

5 Hence the first of President Woodrow Wilson's famous 14-point foundation for the post-war settlement, which called for "Open covenants of peace, openly arrived at...."

6 A vivid portrait of how the disillusionment set in can be found in the diaries of a young British diplomat who came to the conference with high hopes and left it in despair. See Harold Nicolson's *Peacemaking 1919* (London: Methuen, 1964), first published by Constable in 1933.

7 See Kim Richard Nossal, *The Politics of Canadian Foreign Policy*, 3rd ed. (Scarborough: Prentice-Hall Canada, 1997), p. 266.

8 For a full account of the role of parliament in the foreign policy debates of the inter-war period, see James Eayrs, *The Art of the Possible: Government and Foreign Policy in Canada* (Toronto: University of Toronto Press, 1961), especially pp. 103-12.

9 Mackenzie King's approach to foreign policy was neatly summarized more than 60 years ago by Escott Reid, who later became one of the principal architects of Canadian foreign policy in the security field in the post-war period. See his article entitled "Mr. Mackenzie King's Foreign Policy, 1935-1936," *Canadian Journal of Economics and Political Science*, Vol. III, no. 1 (February 1937), pp. 86-97.

10 See A.D.P. Heeney and Livingston T. Merchant, *Canada and the United States: Principles for Partnership* (Ottawa: Queen's Printer, June 28, 1965). This study by the Canadian Ambassador to the United States and the US Ambassador to Canada had been authorized by Prime Minister Lester B. Pearson and President Lyndon B. Johnson in an attempt to illuminate the most constructive ways of resolving such disputes as arose from time to time in the Canada-US relationship.

11 Paul Martin, among others, was strongly of the view that the conduct of foreign affairs ought to be left primarily to the Prime Minister and the Secretary of State for External Affairs — so much so that his behaviour in Cabinet discussion sometimes irritated the then-Minister of Justice, Pierre Elliott Trudeau, among others. It should be understood, of course, that this did not mean that conventional lobbying by individuals and groups did not occur in the usual way in response to crisis or other opportunity. But in these instances the initiative lay entirely with the lobbyists, and not with the government.

12 For a succinct review of all this, see Michael Tucker, *Canadian Foreign Policy: Contemporary Issues and Themes* (Toronto: McGraw-Hill Ryerson, 1980), especially pp. 40-41. More elaborate treatments can be found in Bruce Thordarson, *Trudeau and Foreign Policy: a study in decision-making* (Toronto: Oxford University Press, 1972), and J.L. Granatstein and Robert Bothwell, *Pirouette: Pierre Trudeau and Canadian Foreign Policy* (Toronto: University of Toronto Press, 1990), especially Part One.

13 The objective was advanced by providing staff support for committee inquiries into foreign policy issues and by providing various forms of technical assistance and advice.

14 The details can be found in Environment Canada, *Conference on the Human Environment: A report on Canada's preparations for and participation in the United Nations Conference on the Human Environment, Stockholm, Sweden*, June 1972 (Ottawa: Information Canada, 1972).

15 See the account of David Runnalls entitled "The Road from Rio," in Fen Osler Hampson and Christopher J. Maule, *Global Jeopardy: Canada Among Nations 1993-94* (Ottawa: Carleton University Press, 1993), especially pp. 138-39.

16 Liberal Party of Canada, *Creating Opportunity: The Liberal Plan for Canada* (Ottawa: 1993), p. 109.

17 For an attempt to describe this process in some detail, see Denis Stairs, "The Public Politics of the Canadian Defence and Foreign Policy Reviews," *Canadian Foreign Policy/La Politique étrangère*, Vol. III, no. 1 (Spring 1995), pp. 91-116.

18 Its Director is Steven Lee, who has discussed its functions at some length in his "Beyond Consultations: Public Contributions to Making Foreign Policy," in Fen Osler Hampson and Maureen Appel Molot, *Leadership and Dialogue: Canada Among Nations 1998* (Toronto: Oxford University Press, 1998), pp. 55-67. Among other things, the article is a very useful demonstration of current thinking in Ottawa on consultation and foreign policy more generally.

19 Such consultations could not, of course, be avoided entirely, but Mr. Reisman's own preferences were very clear. The flavour can be found in Michael Hart, with Bill Dymond and Colin Robertson, in their *Decision at Midnight: Inside the Canada-US Free-Trade Negotiations* (Vancouver: UBC Press, 1994), especially chap. 7.

20 The account that follows is based partly on publicly available material, as indicated, but it also reflects the interviews referred to in the Acknowledgements. Although some of the respondents had no objection to being identified or quoted, others did. *All* of the interviews were therefore conducted on a non-attribution basis. Wherever possible, factual details have been referenced to printed sources. Interpretations of "attitudes" and the like are obviously matters of judgment. I have done the best I can with the information I have, but I would be the first to agree that this is far from perfect science.

21 *Canada and the Future of the World Trade Organization — Advancing a Millennium Agenda in the Public Interest: Report of the Standing Committee on Foreign Affairs and International Trade* (Ottawa: June 1999), "Preface," p. 1. Hereafter referred to as the *SCFAIT Report*. All references are to a print-out downloaded from the pertinent website (*http://www.parl.gc.ca/infocomdoc/36/1/fait/studies/reports/faitrp09-e.htm*).

22 *SCFAIT Report*, "Chair's Foreword," p. 1.

23 It should be noted that this position received further endorsement in the dissenting opinion of the Bloc Québécois. Both the Bloc and the Progressive Conservative representative complained in their respective appendices to the report about the lack of adequate time to digest what the Committee had heard.

24 There was, however, some overlap in the attendance. A few individuals, that is, participated in both the DFAIT meetings and those of the Bureau.

25 It should be noted that some of the agricultural interests offered presentations and briefs to *both* committees, and not just to the Standing Committee on Agriculture and Agri-Food.

26 The latter were consulted much more fully than on previous occasions, when a great deal of resentment had developed over the perceived "tokenism" of federal efforts to keep provincial players appropriately informed. The usual complaint had been that the federal authorities consulted too little, too late, and on notice that was too short. This time DFAIT officials had made it clear well over two years ahead that they wanted the provinces and territories to start thinking about the implications of the forthcoming WTO round, and that they would be keeping them advised and seeking their input on a regular basis. In the process of doing this, they often asked their provincial counterparts to help arrange consultations with local stakeholders and other groups — a process that moved fully into gear in 1999. DFAIT's discussion papers and submissions to the WTO were made available routinely to the pertinent provincial and territorial offices (as they were to others), along with working texts and other documents. Provincial officials who were interested could, of course, obtain further information from the Internet, and DFAIT made arrangements (which are still in place) for confidential e-mail communications with provincial representatives to keep them posted on developments in Geneva, on websites addresses from which additional documentation could be obtained, and so on.

27 The *Canada Gazette* notice and many of the other documents discussed in this section can be found at the DFAIT "Trade Negotiations and Agreements" website (*www.dfait-maeci.gc.ca/tna-nac/*).

28 DFAIT "Trade Negotiations and Agreements" website. As measured by the number of hits it receives, the site seems to have become an impressive success. In March 2000, these reached a total 734,158, of which some 17,725 were "user sessions" — that is, they led to a downloading of documents or other user-initiated activity. Interestingly, many of the hits appear to originate from abroad. Canada is thus helping to supply information to the citizens of foreign powers, whose own governments may be somewhat less forthcoming. The Canadian example in these matters is not always relished in other capitals.

29 The formation of this 20-member board was announced by Sergio Marchi on January 9, 1998. Its purpose was to "provide counsel on trade policy and market access questions as well as issues related to trade and investment promotion." Its members would also "review and offer advice on the government's International Business Development Plan," monitor its results, and "provide guidance on the most effective allocation of resources." Most of the members were senior officers in major business enterprises (BCE Inc., Alcan Aluminum, General Electric Canada, SNC Lavalin, Newbridge Networks, Nova Corp., Westcoast Energy, and the like), but they also included Frank McKenna, one or two trade experts (like Sylvia Ostry), the Chair of the Canada Council for the Arts, Robert White (then still the President of the CLC), and a business person from the First Nations community (Francine Whiteduck, President and CEO of Whiteduck Resources Inc. in Maniwaki, Quebec).

30 As an aside, it should be noted that the consultation activity was complemented by a carefully crafted communications

(or public information) strategy which was led by DFAIT but involved other departments as well. It was based in part on an analysis of polling data on public attitudes in response to trade liberalization issues. There is not sufficient space here, however, to consider this other dimension of the government's approach to dealing with its domestic constituency.

31 Department of Foreign Affairs and International Trade, *Canada and the Future of the World Trade Organization: Government Response to the Report of the Standing Committee on Foreign Affairs and International Trade* (Ottawa: November 1999), pp. 3-4. Available on the TNA website. Interestingly, the government's conclusion was that the consultations thus far had revealed "that Canadians realize that we live in an increasingly interconnected world, and that they favour liberalized trade." There was "also an appreciation of the need to ensure that the benefits of trade are distributed widely and that Canadian values are protected." These were very broad conclusions to draw, and there was certainly some support for them in the Department's polling data as well as in the parliamentary hearings. Critics, on the other hand, might be forgiven for thinking the summary both incomplete and a trifle selective.

32 *Canada and the Future of the World Trade Organization*, p. 13.

33 These were mostly umbrella organizations established for lobbying as well as other purposes. Specifically, they included Gerald A. Ponton, the President-directeur general of the Alliance des manufacturiers et des exportateurs du Québec; Perrin Beatty, the President of Alliance of Manufacturers and Exporters Canada; Lise Lachapelle, Presidente et chef de la direction of l'Association canadienne des pâtes et papiers; Tom d'Aquino, President and Chief Executive of the Business Council on National Issues; Nancy Hughes Anthony, President & CEO of the Canadian Chamber of Commerce; and Gilles Taillon, President of the Conseil du Patronat du Québec.

34 On the Thursday, one of the deputy ministers actually showed up with a text that his own officials had not yet seen, and in a somewhat unusual display, arranged to have it photocopied on the spot for distribution to everyone.

35 The fact that the arrangements for the conference itself were badly organized, and that the confusions surrounding it were amplified by the demonstrations in the streets, may well have added to this impression. From the purely Canadian point of view, this difficulty may have been compounded by the inclusion of the WTO-registered NGOs in the consultations each evening, since it contributed to a blurring of roles and had the effect of mixing up those who were part of the official delegation and those who were not.

36 The functions involved were previously handled (on a much smaller scale) by the Trade Policy Planning Division, which had other duties, as well. The new division's "mission" is to "facilitate and stimulate the involvement of Canadians in the development and implementation of Canada's trade policy agenda, to better reflect Canadian values, priorities and interests." Its mandate is to develop and implement "the strategy that coordinates the Canadian Government's approach to consultations on trade policy." In so doing, it "[s]upports and provides guidance to DFAIT trade policy divisions for their consultation and outreach initiatives; [p]rovides Canadians with accurate, clear, up-to-date information on Canada's trade policy agenda; [and] [e]stablishes mechanisms for collecting

the opinions of Canadians on trade policy, including in connection with trade negotiations/agreements...and related issues."

37 "Informal Paper by Canada on WTO Transparency — March 24, 2000," available on TNA website: (*http://www.dfait-maeci.gc.ca/tna-nac/transparency_paper-e.asp*).

38 Pierre Pettigrew's own assessment of all this is in some respects less sanguine, and certainly he thinks that fundamental transformations are under way. A discursive account of his thinking can be found in Pierre S. Pettigrew, *The New Politics of Confidence* (Toronto: Stoddart, 1998), and perhaps especially in chaps. III and XIV. His analysis of the Seattle experience itself, however, is even more striking. It can be found in his May 15 address to the Global Forum 2000 in Washington on the subject of "Seattle: A Collision between Two Worlds." As he points out, "The world of the state is based on the exclusivity of its citizens" allegiances, and depends on its capacity to act while fully engaging a given number of individuals. The multicentric world is based, on the contrary, on a network of allegiances that are not at all well defined, whose nature and intensity depend on the free will of the players concerned. "To put it bluntly, these two worlds met in Seattle and they didn't like one another very much. The predictable outcome was, and remains, considerable tension, which we will be living with well into this century. And, although governments will have to deal with it, this tension is not exclusively between governments. It also involves competing sectors of society, industries and entire socio-political, cultural, ethnic and economic blocks [sic] as well as traditional nation-states." "We previously had this wonderful, predictable, international system; so predictable that we knew everyone's speech ahead of time....And then comes this new world, quite anonymous, quite bizarre, absolutely unpredictable because of the number of participants, and it is sometimes real, often virtual." The Seattle "photo," he went on, "revealed...the strength of horizontal associations that have no use for the vertical power of states." It was "probably the starting point, in the form of a manifestation of discontent, for a process of political renewal." The full text of the address can be found on the World Wide Web: (*http://198.103.104.118/minpubbreak/Publication.asp?FileSpec=/Min_Pub_Docs/103338.htm*)

39 See, for example, Kim Richard Nossal, "The Democratization of Canadian Foreign Policy?", *Canadian Foreign Policy*, Vol. 1, no. 3 (Fall 1993), pp. 95-105, and "The Democratization of Canadian Foreign Policy: The Elusive Ideal," in Maxwell A. Cameron and Maureen Appel Molot (eds.), *Democracy and Foreign Policy: Canada Among Nations 1995* (Ottawa: Carleton University Press, 1995), pp. 29-43. Several of the other articles in this volume address the same question, but not always from the same vantage point. For more recent discussions, see in particular Maxwell A. Cameron, "Democratization of Foreign Policy: The Ottawa Process as a Model," *Canadian Foreign Policy*, Vol. 5, no. 3 (Spring 1998), pp. 147-65; and Marc Neufeld, "Democratization in/of Canadian Foreign Policy: Critical Reflections," *Studies in Political Economy*, no. 58 (Spring 1999), pp. 97-119.

40 There is certainly a sense in which some of the selecting is done on a "top-down" basis, if only to try to generate a broadly representative array of "inputs." In certain areas of Canadian foreign policy — notably those bearing on what is now officially described as "human security" — there is even some evidence that the pertinent Minister, Lloyd Axworthy, has

been using consultations with organizations of whose purposes he broadly approves in order to strengthen his own hand in policy debates with some of his officials and Cabinet colleagues. But there is also a sense in which those who are consulted actually select themselves, simply because their displays of active interest call their presence to the attention of the policy-makers. This seems to accord with the well-known dictum of Woody Allen, which can be loosely paraphrased to read, "If you want to get ahead, show up!"

41 This is partly a function of technical uncertainty and/or disagreement — disagreements of the sort, for example, that are implied in the debate over whether or not refusing to trade with China will really advance the cause of human rights there. Far more importantly, however, it is because, in each case, only one purpose or one group of cognate purposes is being pursued. NGOs, like most other interest groups, are not in the business of trading off competing considerations. Their purpose is to advance the specific objectives that they happen, respectively, to hold dear. Governments, by contrast, are in a less luxurious position. They have to figure out how far to go, at what price, and with how much sacrifice of other interests.

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